STATE OF NEW YORK

6153

2019-2020 Regular Sessions

IN SENATE

May 20, 2019

Introduced by Sen. SEPULVEDA -- (at request of the Office of Victim Services) -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the executive law, in relation to the information necessary to investigate compensation claims

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 4 of section 623 of the executive law, as amended by section 8 of part A-1 of chapter 56 of the laws of 2010, is amended to read as follows:

4. To request from the division of state police, from county or municipal police departments and agencies and from any other state or municipal department or agency, or public authority, and the same are hereby authorized to**, and shall** provide, such assistance and data as will enable the office to carry out its functions and duties.

§ 2. Subdivision 1 of section 631 of the executive law, as separately amended by chapters 189 and 295 of the laws of 2018, is amended to read as follows:

1. No award shall be made unless the office finds that (a) a crime was [~~committed~~] ***indicated by criminal justice agency records***, (b) such crime directly resulted in personal physical injury to or the exacerbation of a preexisting disability, or condition, or death of, the victim, and (c) criminal justice agency records show that such crime was promptly reported to the proper authorities; and in no case may an award be made where the criminal justice agency records show that such report was made more than one week after the occurrence of such crime unless the office, for good cause shown, finds the delay to have been justified. Notwithstanding the foregoing provisions of this subdivision, in cases involving an alleged sex offense as contained in article one hundred thirty of the penal law or incest as defined in section 255.25, 255.26 or 255.27 of the penal law or labor trafficking as defined in section 135.35 of

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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the penal law or sex trafficking as defined in sections 230.34 and 230.34-a of the penal law or an offense chargeable as a family offense as described in section eight hundred twelve of the family court act or section 530.11 of the criminal procedure law, the criminal justice agency report need only be made within a reasonable time considering all the circumstances, including the victim's physical, emotional and mental condition and family situation. For the purposes of this subdivision, "criminal justice agency" shall include, but not be limited to, a police department, a district attorney's office, and any other governmental agency having responsibility for the enforcement of the criminal laws of the state provided, however, that in cases involving [~~such~~] sex [~~offense~~] **offenses** or family offense a criminal justice agency shall also mean a family court, a governmental agency responsible for child and/or adult protective services pursuant to title six of article six of the social services law and/or title one of article nine-B of the social services law, and any medical facility established under the laws of the state that provides a forensic physical examination for victims of rape and sexual assault. **In the event that inconsistent reports among two or more criminal justice agencies exist for the same incident, the office shall consider the totality of the circumstances among all reports in order to accomplish the purpose of this article.**

§ 3. This act shall take effect immediately.